

REMARKS

Claims 1-28 are pending in the above application. By the above amendment, claims 27 and 28 have been added.

The Office Action dated February 14, 2006, has been received and carefully reviewed. Each issue raised in that Office Action is addressed below, and reconsideration and allowance of claims 1-28 is respectfully requested in view of the following remarks.

REQUEST FOR REVIEW BY SUPERVISORY PATENT EXAMINER

The present Office Action is the third non-final Office Action to issue in this case. In this third Reply, original claims 1-18 are once again presented in their original form. Section 707.02 of the MPEP provides:

The supervisory patent examiners should impress their assistants with the fact that the shortest path to the final disposition of an application is by finding the best references on the first search and carefully applying them.

The supervisory patent examiners are expected to personally check on the pendency of every application which is up for the third or subsequent Office action with a view to finally concluding its prosecution.

It is respectfully requested that the supervisory patent examiner for this application personally check on the pendency of this application as required by MPEP 707.02.

REJECTIONS UNDER 35 U.S.C. 112, FIRST PARAGRAPH

Claims 24 - 26 are rejected under 35 U.S.C. 112, first paragraph, on the grounds that they are not enabled by the specification. Support for the limitations mentioned in the Office Action is provided below.

The step of "inputting a search condition to a search engine" is discussed, for example, at page 15, lines 4-7, where it is provided: "the information creation portion 7 accesses via the Internet 14 the WWW server 15 which matches the information collection condition, to conduct a search based on the information collection condition." In addition, page 19, lines 21-25, provide that: "The keyword group network address specification by the information collection

condition set portion 6 may be done using the information stored in the data storage portion 2 or various search engines on external WWW servers 15.”

The above-quoted language also supports the claimed step of “performing a search” related to the at least one stored client data.

“Detecting a modification to client data” is discussed, for example, at page 5, lines 11-16 which provide “In addition, the client data management means notifies the information collection condition set means of a modification made in the client data. The information collection condition set means then sets the information collection condition based on the modification,” and page 6, lines 4-9 which provide “information collection condition set means for detecting a data modification in the client data storage region and setting an information collection condition for specifying such information data as to be required by the client in future based on results of the detection.” Detecting a modification to the client data is also discussed at page 13, lines 12-16, where it is provided “Next, as the input/modification data and the client information is completely stored, the data management portion 5 gives notice to the information collection condition set portion 6 about modification information as to the client data.”

“Automatically defining a new search condition” is supported by page 13, lines 19-23, which provide: “Also, the information collection condition set portion 6 sets an information collection condition for specifying such information data as to be required by the client 9 in future, based on the extracted input/modification data (S4).”

“Inputting the new search condition to the search engine” is supported by the same language discussed above in connection with “inputting a search condition” above. The search condition may be input each time data is modified. Similarly, a search may be performed on modified data each time it is modified.

The above language is not identical to the language used in the claims. However, the use of identical language is not necessary as long as one skilled in the art would recognize what is being claimed based on the disclosure. MPEP 2163.02. For the foregoing reasons, it is respectfully submitted that claims 24-26 are enabled by the specification, and the withdrawal of the rejection of these claims based on 35 U.S.C. 112, first paragraph, is respectfully requested.

REJECTIONS BASED ON SUGIARTO

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sugiarto. This rejection is based in part on the statement that: "it is well known in the art of computing that in order to retrieve something, it has to be searched." The Office Action originally relied on Official Notice to support this statement. In the present Office Action, the examiner provides a dictionary definition of "retrieve" to support the above statement. It is respectfully submitted that the definition of "retrieve" does not support the above-quoted statement and does not establish a basis for taking official notice of the above statement.

Applicant maintains that data and other items can be retrieved without being searched. See, for example, the enclosed definition of "retrieve" from the Merriam-Webster Online Dictionary (www.m-w.com) which provides a relevant definition of "retrieve" as "to get and bring back; *especially* : to recover (as information) from storage." When the location of something is known, it can be retrieved without searching for it. When a URL for a web site is provided, as in Sugiarto, the web page identified by the URL can be recovered or brought back without searching for it. If the examiner believes that it is impossible to retrieve information without first conducting a search for it, it is respectfully requested that a statement to this effect be made of record. Furthermore, it would be clear to a person of ordinary skill in the art reading Sugiarto that the word "retrieve" does not refer to a search. See, for example, paragraph 0026 of Sugiarto which discusses opening a connection, fetching web pages, and formatting them. Nothing about this terminology in any manner suggests that a search is performed.

The definition of "retrieve" in the Office Action was provided to support the examiner's reliance on a statement of what is "well known" in the field of computing. The definition does not discuss searching, does not support the examiner's original statement, and improperly requires the words "locate" and "search" to be treated as equivalents. It does not establish the examiner's assertion of what is well known in an "instant and unquestionable" manner. It is therefore respectfully submitted that there is no basis in the record for taking official notice of the statement "it is well known in the art of computing that in order to retrieve something, it has to be searched." To the extent the rejection of claim 1 and the other claims is based on this

statement, the rejection is respectfully traversed.

Claims 2-14 and 21-23, 27 and 28 depend from claim 1 and are submitted to be allowable for the same reasons as claim 1.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sugiarto. The rejection of claim 15 also depends on the above statement that "it is well known in the art of computing that in order to retrieve something, it has to be searched." This statement is not supported by the record. The rejection of claim 15 is therefore traversed for the same reasons provided above in connection with claim 1.

In addition, the rejection of claim 15 seems to refer to retrieving web pages based on URL's as "searching." However, a "URL" or universal resource locator, is an address that specifies where a document or resource is located on the Internet. Other definitions of URL can be found, without searching, at the following URL: <http://www.google.com/search?hl=en&q=define%3A+url>. In teaching a user to enter URL's into a configuration file, Sugiarto does not search for information requested by a user since the URL already points directly to the requested information. In fact, since the URL already points to information, it is not clear what the user in Sugiarto would be searching for, and it is therefore respectfully requested that if this rejection is maintained, the examiner explain what users of Sugiarto's system are believed to be searching for.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sugiarto. The rejection of claim 16 also depends on the above statement that "it is well known in the art of computing that in order to retrieve something, it has to be searched." This statement is not supported by the record. The rejection of claim 16 is therefore traversed for the same reasons provided above in connection with claim 1.

Claim 17 depends from claim 16 and is submitted to be allowable for the same reasons as claim 16.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sugiarto. The rejection of claim 18 also depends on the above statement that "it is well known in the art of computing that in order to retrieve something, it has to be searched." This statement is not supported by the record. The rejection of claim 18 is therefore traversed for the same reasons

provided above in connection with claim 1.

REJECTIONS BASED ON SUGIARTO AND MALIK

Claims 6, 8, 14 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sugiarto in view of Malik. Each of these claims depends from claim 1. Malik does not address the shortcomings of Sugiarto discussed in connection with claim 1. Claims 6, 8, 14 and 22 are therefore submitted to be allowable over Sugiarto and Malik for the reasons provided above in connection with claim 1.

Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sugiarto in view of Malik. The rejection of claim 24 is based in part on the statement: "it is well known in the art of computing that in order to retrieve something, it has to be searched." This statement is not supported by the record. Therefore, the rejection of claim 24 as being unpatentable over Sugiarto and Malik is respectfully traversed for the same reasons provided above in connection with claim 1.

Moreover, it is respectfully submitted that a proper motivation for combining Sugiarto and Malik has not been provided and that therefore a *prima facie* case of obviousness has not been presented. Sugiarto discloses an apparatus for personalized information retrieval. Malik is directed to a software tool for automatically tracking activity related to web site usage. Nothing about these references suggests they can be combined or provides any motivation for doing so. The statement that the combination would have been obvious "in order to provide automated site navigation and manipulation for users" is a partial quote from Malik's abstract, but in no manner suggests the combination proposed in the Office Action.

Furthermore, it is respectfully submitted that Malik does not stand for the propositions asserted in the Office Action. The Office Action relies upon Malik to show at least six steps required by claim 24, but only cites to a single sentence discussing the use of a search engine. Even if a proper motivation for combining the references had been provided, the result would not be the invention required by claim 24. Claim 24 and its dependent claims 25 and 26 are submitted to be allowable over the art of record for at least these reasons.

REJECTIONS BASED ON SUGIARTO AND AAPA

Claim 19 is rejected as being unpatentable over Sugiarto and AAPA. As an initial matter, it is respectfully submitted that some of what is being characterized as “prior art” is taken from the “Summary of the Invention” portion of the present application and is NOT prior art. Specifically, page 6, lines 5-16, describe aspects of the present invention and cannot be used to support a rejection of the claims. Page 2, lines 12-20 of the application discuss the use of an agent, which may, for example, be similar to what is disclosed in Sugiarto. Collecting information is automated. There is no suggestion in lines 12-20 of page 2 of the specification that an information collection condition is automatically changed. Claim 19 is submitted to be allowable over Sugiarto and the background section of the present application for at least this reason.

Claim 20 is rejected because it is similar to claim 1. Claim 20 is therefore submitted to be allowable for the same reasons as claim 1. Claim 20 is also rejected based on AAPA. However, as argued above in connection with claim 19, the rejection is apparently based improperly on Applicant’s present disclosure. The rejection of claim 20 is therefore respectfully traversed for the reasons provided in connection with claim 19.

RESPONSE TO ARGUMENTS SECTION OF OFFICE ACTION

The response to Argument’s section of the Office Action includes the statement that “claims 6, 8, 14 and 22 have been rewritten to which put the claims in better form for 35 U.S.C. 103(a) rejections.” It is respectfully submitted that these claims have not been amended and are still in their original forms. If the examiner intended to indicate something other than that claims 6, 8, 14 and 22 have been amended, it is respectfully requested that she provide clarification in the next communication.

CONCLUSION

Each issue raised in the Office Action dated February 14, 2006, has been addressed, and it is believed that claims 1-28 are in condition for allowance. Wherefore, reconsideration and

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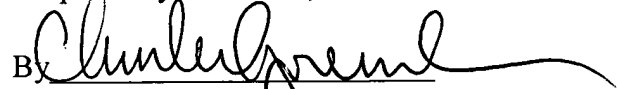
allowance of claims 1-28 is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Scott Wakeman (Reg. No. 37,750) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

By 

Charles Gorenstein

Registration No.: 29,271

Scott T. Wakeman

Registration No.: 37,750

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road

Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorneys for Applicant